

1743  
3  
1743  
3

PTO/SB/21 (02-04)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	09/844,187
		Filing Date	July 20, 1999
		First Named Inventor	Thomas M. Baer
		Art Unit	1743
		Examiner Name	LaToya I. CROSS
Total Number of Pages in This Submission	9+92refs	Attorney Docket Number	ARC012001800

### ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> - SB/08 - 4 pages
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	<input type="checkbox"/> - Return Postcard
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> - 92 references
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	<b>Remarks</b>	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Rimas T. Lukas (Reg. No. 46,451)
Signature	
Date	June 7, 2004

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Rimas T. Lukas		
Signature		Date	June 7, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 180)

## Complete if Known

Application Number	09/844,187
Filing Date	April 26, 2001
First Named Inventor	Thomas M. Baer
Examiner Name	LaToya I. CROSS
Art Unit	1743
Attorney Docket No.	ARC012001800

## METHOD OF PAYMENT (check all that apply)

 Check  Credit card  Money Order  Other  None

 Deposit Account:

Deposit Account Number  
  
 Deposit Account Name

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) or any underpayment of fee(s)  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee			
1002 340	2002 170	Design filing fee			
1003 530	2003 265	Plant filing fee			
1004 770	2004 385	Reissue filing fee			
1005 160	2005 80	Provisional filing fee			
<b>SUBTOTAL (1) (\$)</b>					

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims			
Multiple Dependent			

Large Entity	Small Entity	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent
<b>SUBTOTAL (2) (\$)</b>		

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	180
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3) (\$)** 180

## SUBMITTED BY

(Complete if applicable)

Name (Print/Type)	Rimas T. Lukas	Registration No. (Attorney/Agent)	46,451	Telephone	650-560-0076
Signature				Date	June 7, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

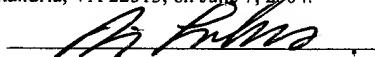
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



PATENT  
Docket No. ARC012001800

**CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"**

I hereby certify that this paper or fee is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313, on June 7, 2004.

  
Rimas T. Lukas

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In the application of:

Thomas M. Baer

Serial No.: 09/844,187

Filing Date: April 26, 2001

For: LASER CAPTURE  
MICRODISSECTION (LCM)  
EXTRACTION DEVICE AND DEVICE  
CARRIER, AND METHOD FOR POST-  
LCM FLUID PROCESSING

Examiner: LaToya I. CROSS

Group Art Unit: 1743

**INFORMATION DISCLOSURE  
STATEMENT UNDER 37 C.F.R. § 1.97**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313

Dear Commissioner:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO/SB/08. Copies of the documents are also submitted herewith. The Examiner is requested to make these documents of record.

06/10/2004 EAREGAY1 00000097 09844187

01 FC:1806

180.00 0P

This Information Disclosure Statement is submitted:

- With the application; accordingly, no fee or separate requirements are required.
- Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required.
- After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
  - A fee is required. A check in the amount of \$180 is enclosed.
  - A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
  - A Certification under 37 C.F.R. § 1.97(e) is provided below; accordingly; no fee is believed to be due.
- After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
  - A Certification under 37 C.F.R. § 1.97(e) is provided below and a check in the amount of \* is enclosed.
  - A Certification under 37 C.F.R. § 1.97(e) is provided below and a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.

Applicants would appreciate the Examiner initialing and returning the Form PTO/SB/08 indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

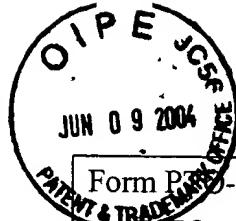
In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time. The Office is invited to contact the applicant's representative at the number below to facilitate prosecution of this application.

Dated: June 7, 2004

Respectfully submitted,

By:   
Rimas T. Lukas  
Registration No. (46,451)

Lukas IP Group  
P.O. Box 3295  
Half Moon Bay, California 94019  
Telephone: (650) 560-0076  
Facsimile: (650) 897-9944



Form PTO-1449

 INFORMATION DISCLOSURE CITATION  
 IN AN APPLICATION

*(Use several sheets if necessary)*

Docket Number	ARC012001800	Application Number	09/884,187
Applicant	Thomas M. Baer, et al.		
Filing Date	April 26, 2001		
Mailing Date	June 7, 2004		

## U.S. PATENT DOCUMENTS

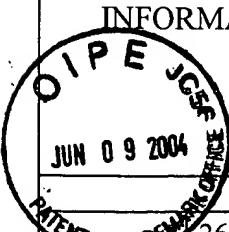
Examiner Initials	Ref No.	Date	Document No.	Name	Class	Subclass	Filing Date If Appropriate
	1.	04/14/1914	1,093,211	Schulkoff	220	789	11/05/1913
	2.	08/06/1957	2,801,568	Dakin	88	40	11/15/1954
	3.	08/01/1972	3,680,947	Wanesky	350	81	04/21/1970
	4.	02/24/1976	3,940,250	Plakas et al	23	230	05/21/1974
	5.	08/02/1977	4,039,247	Lawman	350	95	12/12/1975
	6.	04/17/1979	4,149,803	Litz	356	244	03/07/1977
	7.	12/01/1981	4,303,866	Porro et al.	250	442	05/29/1980
	8.	08/28/1984	4,467,915	Snyder et al.	206	219	08/06/1982
	9.	02/28/1989	4,807,984	Kurimura et al.	350	529	02/12/1987
	10.	05/30/1989	4,834,946	Levin	422	101	02/05/1987
	11.	04/24/1990	4,920,053	Inoue et al.	435	240.1	04/28/1988
	12.	10/27/1992	5,158,895	Ashihara et al.	436	526	03/29/1991
	13.	02/23/1993	5,188,963	Stapleton	435	299	11/17/1989
	14.	03/09/1993	5,192,503	McGrath et al.	422	57	05/23/1990
	15.	06/08/1993	5,217,768	Walters et al.	428	35.8	09/05/1991
	16.	01/18/1992	5,280,384	Shibasaki	359	396	09/18/1992
	17.	01/25/1994	5,281,516	Stapleton et al.	435	3	03/23/1992
	18.	02/22/1994	5,288,996	Betzig et al.	250	227.26	01/06/1993
	19.	09/13/1994	5,346,672	Stapleton et al.	422	102	03/02/1993
	20.	01/17/1995	5,382,511	Stapleton	435	6	08/24/1992
	21.	05/02/1995	5,412,087	McGall et al.	536	24.3	04/24/1992
	22.	05/02/1995	5,412,503	Nederlof	359	393	08/23/1993
	23.	05/16/1995	5,415,994	Imrich et al.	435	5	08/02/1993
	24.	06/27/1995	5,427,948	Diers	435	312	07/29/1993
	25.	07/25/1995	5,436,129	Stapleton	435	6	10/12/1993

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

Form PTO-1449				Docket Number ARC012001800	Application Number 09/884,187		
<b>INFORMATION DISCLOSURE CITATION IN AN APPLICATION</b> <i>(Use several sheets if necessary)</i>				Applicant			
				Thomas M. Baer, et al.			
				Filing Date April 26, 2001		Group Art Unit 1743	
				Mailing Date June 7, 2004			



26.	08/08/1995	5,439,650	Tsugita et al.	422	108	11/03/1992
27.	09/19/1995	5,451,500	Stapleton	435	6	03/03/1992
28.	01/23/1996	5,486,335	Wilding et al.	422	55	04/24/1995
29.	02/27/1996	5,494,646	Seymour	422	101	07/12/1994
30.	04/02/1996	5,504,366	Weiss et al.	73	863	09/13/1993
31.	05/07/1996	5,513,768	Smith	220	259	01/28/1994
32.	05/14/1996	5,516,490	Sanadi	422	101	05/17/1994
33.	07/23/1996	5,538,849	Uematsu et al.	435	6	12/29/1993
34.	08/13/1996	5,545,531	Rava et al	435	6	06/07/1995
35.	02/04/1997	5,598,888	Sullivan et al.	165	263	09/23/1994
36.	04/08/1997	5,619,035	Weiss et al.	250	306	12/22/1995
37.	04/29/1997	5,624,554	Faulkner et al.	210	232	12/23/1994
38.	05/06/1997	5,627,041	Shartle	435	7.24	09/02/1994
39.	06/17/1997	5,639,428	Cottingham	422	112	07/19/1994
40.	10/28/1997	5,681,741	Atwood et al.	435	287.2	09/08/1995
41.	10/28/1997	5,681,742	MersKelly et al.	435	288.1	09/26/1995
42.	01/20/1998	Re. 35,716	Stapleton et al.	435	3	03/23/1992
43.	04/21/1998	5,741,710	Ek	436	73	12/15/1994
44.	06/09/1998	5,763,191	Knoll et al.	435	7.1	07/25/1994
45.	12/01/1998	5,843,657	Liotta et al.	435	6	10/10/1995
46.	01/12/1999	5,859,699	Baer et al.	356	246	02/07/1997
47.	01/19/1999	5,860,937	Cohen	600	576	04/30/1997
48.	03/23/1999	5,885,531	Heffelfinger et al.	422	82.05	09/09/1997
49.	03/23/1999	5,885,837	Winkler et al.	435	91.1	10/23/1996
50.	06/15/1999	5,912,134	Shartle	435	7.24	01/14/1997
51.	08/10/1999	5,936,858	Arai	364	150	06/16/1997
52.	11/09/1999	5,981,733	Gamble et al.	536	25.3	09/16/1996
53.	03/28/2000	6,043,080	Lipshutz et al.	435	287.2	12/11/1998
54.	07/04/2000	6,084,237	Troster et al.	250	288	08/10/1998
55.	07/04/2000	6,084,660	Shartle	356	39	07/16/1999
56.	09/05/2000	6,114,122	Besemer et al	435	6	04/30/1998

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

Form PTO-1449

INFORMATION DISCLOSURE CITATION  
IN AN APPLICATION

(Use several sheets if necessary)

JUN 09 2004

Docket Number	ARC012001800	Application Number	09/884,187
Applicant	Thomas M. Baer, et al.		
Filing Date	April 26, 2001		
Mailing Date	June 7, 2004		

57.	12/12/2000	6,159,727	Bochkariov	435	287.2	06/04/1999
58.	04/24/2001	6,221,655	Fung et al.	435	288.1	08/01/1998
59.	05/29/2001	6,238,910B1	Custance et al.	435	287.2	08/10/1999
60.	07/10/2001	6,258,593B1	Schembri	435	287.2	06/30/1999
61.	08/21/2001	6,277,648B1	Coplan	436	177	06/02/1994
62.	10/30/2001	6,309,875B1	Gordon	435	287.2	02/29/2000
63.	11/29/2001	2001/0046700A1	Custance et al.	435	287.2	05/14/2001

FOREIGN PATENT DOCUMENTS

Examiner Initials	Ref No.	Date	Document No.	Country	Class	Subclass	Translation YES NO
	64	08/29/1975	566 015	CH			
	65.	05/30/1991	WO 91/07683	PCT			
	66.	06/10/1993	WO 93/11221	PCT			No
	67.	09/30/1993	WO 93/19207	PCT			
	68.	08/24/1994	0 611 598 A2	Europe			
	69.	12/14/1994	0 388 168 B1	Europe			
	70.	09/08/1995	WO 95/23960	PCT			
	71.	11/16/1995	WO 95/30919	PCT			
	72.	02/05/1996	196 03 996 A1	DE			Abstract only No
	73.	04/17/1997	WO 97/13838	PCT			
	74.	08/13/1998	WO 98/35215	PCT			
	75.	08/13/1998	WO 98/35216	PCT			
	76.	02/03/2000	WO 00/05587	PCT			
	77.	02/10/2000	WO 00/06992	PCT			
	78.	05/03/2001	WO 01/30489 A2	PCT			No
	79.	06/21/2001	WO 01/43871A2	PCT			
	80.	05/10/2002	WO 02/37159 A2	PCT			

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

Form PTO-1449

INFORMATION DISCLOSURE CITATION  
IN AN APPLICATION

(Use several sheets if necessary)

JUN 09 2004

Docket Number	ARC012001800	Application Number	09/884,187
Applicant	Thomas M. Baer, et al.		
Filing Date	April 26, 2001		Group Art Unit 1743
Mailing Date	June 7, 2004		

## OTHER DOCUMENTS

(including author, title, Date, Pertinent Pages, Etc.)

Examiner Initials	Ref No.	Title
	81.	Ashkin, A. & Dziedzic J.M. (1989) "Internal Cell Manipulation Using Infrared Laser Traps" <i>Pro.Nat. Acad. Sc.</i> 86:20:7914-7918.
	82.	Bonner, R.F., et al. (1997) "Laser Capture Microdissection: Molecular Analysis of Tissue", <i>Amer. Assoc. Advanc. of Sci.</i> , 278:1481-1843.
	83.	Emmert-Buck, Michael R. et al., (1996) "Laser Capture Microdissection", <i>Science</i> , 274:998-1001.
	84.	Friend, T. (October 29, 2001) "Getting up close to cancer genes Microdissection breakthrough lets scientists isolate those involved in tumor growth." <i>USA Today.com</i> , <a href="http://pqasb.pqarchiver.coni/USAToday/main/doc/">http://pqasb.pqarchiver.coni/USAToday/main/doc/</a> .
	85.	Geduspan, Jane S., & Solursh, Michael (1992) "A Growth-Promoting Influence from the Mesonephros During Limb Outgrowth," <i>Developmental Biology</i> , 151:242-250.
	86.	Jimenez, C. R., et al., (1994) "Neuropeptide Expression and Processing as Revealed by Direct Matrix-Assisted Laser Desorption Ionization Mass Spectrometry of Single Neurons", <i>Journal of Neurochemistry</i> , 62:404-707.
	87.	Kubo, Y., et al., (1995) "Early Detection of Knudson's Two-hits in Preneoplastic Renal Cells of the Eker Rat Model by the Laser Microdissection Procedure," <i>Cancer Res.</i> 55:975-1197.
	88.	Meier-Ruge, W. et al., (1976) "The laser in the Lowry Technique for Microdissection of Freeze-dried Tissue Slices", <i>Histochemical J.</i> , pp. 8:387-401.
	89.	Schutze, Karin & Lahr, Georgia (August, 1998) "Identification of Expressed Genes by Laser-Mediated Manipulation of Single Cells", <i>Nature Biotechnology</i> , 16:737-742.
	90.	Schindler, M., et al., (July, 1985) "Automated Analysis and Survival Selection of Anchorage-Dependent Cells Under Normal Growth Conditions", <i>Cytometry</i> 6:368-374.
	91.	Schindler, M. (August, 1998) "Select, Microdissect, and Eject", <i>Nature Biotechnology</i> 16:719-720.
	92.	Veigel, C., et al. (1993) "New Cell Biological Applications of the Laser Microbeam Technique: the Microdissection and Skinning of Muscle Fibers and the Perforation and Fusion of Sarcolemma Vesicles", <i>European Journal of Cell Biology</i> 63:1:140-148.

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.